

1  
2 UNITED STATES DISTRICT COURT  
3 WESTERN DISTRICT OF WASHINGTON  
4 AT TACOMA

5 JOEL PAUL REESMAN,

6 Petitioner,

7 v.

8 RON HAYNES,

9 Respondent.

CASE NO. C16-5925 BHS-TLF

ORDER OVERRULING  
PETITIONER'S OBJECTIONS  
AND DENYING AS MOOT  
PETITIONER'S MOTION TO  
COMPEL

10 This matter comes before the Court on Petitioner Joel Paul Reesman's  
11 ("Reesman") objections to the nondispositive order by the Honorable Theresa L. Fricke,  
12 United States Magistrate Judge, renoting several of Reesman's motions for  
13 consideration on May 25, 2018. Dkts. 54, 57. Also before the Court is Reesman's motion  
14 seeking to compel the State to file the complete state court record of the proceedings  
15 resulting in Reesman's conviction. Dkt. 56.

16 On February 18, 2018, Reesman moved for the Court to appoint counsel on his  
17 behalf. Dkt. 45. On April 12, 2018, Judge Fricke renoted Reesman's numerous pending  
18 motions for consideration on May 25, 2018, including Plaintiff's motion to appoint  
19 counsel. Dkt. 54. Judge Fricke also ordered that the State file the record of Reesman's  
20 criminal proceedings no later than May 11, 2018. *Id.* On April 16, 2018, Reesman  
21 objected to Judge Fricke's order and also filed a motion to compel the State to file the  
22 complete record of his criminal proceedings. Dkts. 56, 57.


1 When a party files objections to a nondispositive order, the “district judge in the  
2 case must consider timely objections and modify or set aside any part of the order that is  
3 clearly erroneous or is contrary to law.” Fed. R. Civ. P. 72(a).

4 Reesman’s objection treats Judge Fricke’s order as a denial of his motion to  
5 appoint counsel and objects to the denial of his motion. *See* Dkt. 57. However, Judge  
6 Fricke has not denied Reesman’s motion; rather, the motion has simply been noted for  
7 consideration on a later date in light of the Court’s need to review the applicable state  
8 court record before it can reach a decision that properly assesses the complexity of the  
9 case and Reesman’s potential likelihood of success. Because Judge Fricke’s order did not  
10 deny Reesman’s motion, Reesman’s objections (Dkt. 57) to Judge Fricke’s order are  
11 **OVERRULED.**

12 Additionally, the Court notes that Judge Fricke has already ordered that the  
13 Government file the complete state court record, including all transcripts of the  
14 proceedings, on or before May 11, 2018. *See* Dkt. 54. The record was filed on April 17,  
15 2018. Dkt. 55. Because the record has been produced as ordered by Judge Fricke,  
16 Reesman’s motion to compel its production (Dkt. 56) is **DENIED as moot.**

17 **IT IS SO ORDERED.**

18 Dated this 19th day of April, 2018.

19  
20   
21 BENJAMIN H. SETTLE  
22 United States District Judge